

Invent SC/Se Filed:	rial No.:	James F. Zucherman, et al. 08/958,281 October 27, 1997 RACTION IMPLANT AND METHOD) PATENT APPLICATION))))
Title:	I hereb postage as first cla February 27.	CERTIFICATE OF MAILING UNDER 37 C. y certify that this correspondence is being deposited in the mail in an envelope addressed to Assistant Commission	F.R. § 1.8

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

- X Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- A copy of each cited document as required by 37 C.F.R. §1.98. Copies are not submitted of U.S. applications, 37 C.F.R. §1.98(a)(2)(iii), and copies are not submitted of documents already cited or submitted in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevancy is provided pursuant to 37 C.F.R. §1.98(a)(3). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. 57 F.R. 2021 (1/17/92). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement. 37 C.F.R. §1.98(c).



X _	This statement	qualifies under 37 C.F	.R. §1.97, subsection (b) because:
	(1)	It is being filed within	3 months of the application filing date;
	(2)	It is being filed within	3 months of entry of a national stage;
	(3)	OR It is being filed before the merits,	e the mailing date of the first Office action on
	whichever	r occurs last.	
		y not qualify under sul subsection (c) because	bsection (b), this statement qualifies under 37
	(1)		the mailing date of a FINAL Office Action and llowance (whichever occurs first)
		AND (check	at least one of the following)
	(1)	It is accompanied by	the \$230 fee set forth in 37 C.F.R. §1.17(p)
	(2)		y a CERTIFICATION as set forth in 37 C.F.R.
	Although it ma	y not qualify under subs 97, <u>subsection (d)</u> bec	section (b) or (c), this statement qualifies under ause:
. •	(1)	§1.97(e);	y a CERTIFICATION as set forth in 37 C.F.R.
	(2)	DISCLOSURE STAT	by a PETITION TO ACCEPT INFORMATION EMENT UNDER 37 C.F.R. §1.97(d);
	(3)	AND It is accompanied by AND	the \$130 fee set forth in 37 C.F.R. §1.17(i)(1);
	(4)		
_X	of any addition	nal fees or credit any ov	er is hereby authorized to charge underpayment verpayment associated with this communication duplicate copy of this authorization is enclosed.
			Respectfully submitted,
			FLIESLER, DUBB, MEYER & LOVEJOY LLP
Ds	ite:February	<u>27. 1998</u> By: _	Mh
	TODIUMY.	<u></u>	Sheldon R. Meyer Reg. No. 27,660

In re Application
Inventor(s):
CC/Carial Na.

James F. Zucherman, et al.

SC/Serial No.: Filed:

09/179,570 October 27, 1998

Title:

SPINE DISTRACTION IMPLANT

PATENT APPLICATION

Art Unit: 3731

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient on Assistant Commissioner for Patents, Washington, D.C. 20231, on postage as first class mail in an envel

January 26, 1999.

Sheldon R. Meyer, Reg. No. 27,660

Signature Date: January 26, 1999

(Attorney Signature)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

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- A copy of each cited document as required by 37 C.F.R. §1.98. Copies are not <u>X</u> submitted of U.S. applications, 37 C.F.R. §1.98(a)(2)(iii), and copies are not submitted of documents already cited or submitted in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevancy is provided pursuant to 37 C.F.R. §1.98(a)(3). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. 57 F.R. 2021 (1/17/92). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(c).

<u>X</u>	This statement	qualifies under 37 C.F.R. §1.97, subsection (b) because:
	(1)	It is being filed within 3 months of the application filing date;
	(2)	It is being filed within 3 months of entry of a national stage; OR
	(3)	It is being filed before the mailing date of the first Office action on the merits,
	whicheve	r occurs last.
		y not qualify under subsection (b), this statement qualifies under 37 subsection (c) because:
	(1)	It is being filed before the mailing date of a FINAL Office Action and before a Notice of Allowance (whichever occurs first)
		AND (check at least one of the following)
	(1)	It is accompanied by the \$240 fee set forth in 37 C.F.R. §1.17(p) OR
	(2)	It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e)
		y not qualify under subsection (b) or (c), this statement qualifies under 97, subsection (d) because:
	(1)	It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);
	(2)	AND It is accompanied by a PETITION TO ACCEPT INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(d);
	(3)	AND It is accompanied by the \$130 fee set forth in 37 C.F.R. §1.17(i)(1); AND
	(4)	The Issue Fee has not yet been paid.
X	of any addition	tion. The Commissioner is hereby authorized to charge underpayment all fees or credit any overpayment associated with this communication count No. 06-1325. A duplicate copy of this authorization is enclosed.
		Respectfully submitted,
		FLIESLER, DUBB, MEYER & LOVEJOY LLP
Date	e: January 26	
		Sheldon R. Meyer Reg. No. 27,660



In re Applicatio	n) PATENT APPLICATION
Inventor(s):	James F. Zucherman, et al.)
SC/Serial No.:	09/179,570) Art Unit: 3731
Filed:	October 27, 1998)
Title:	PINE DISTRACTION IMPLANT)

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on January 6, 1999.

(Attorney Signature)

Sheldon B. Meyer, Reg. No. 27,660 Signature Date: January 6, 1999

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

- X Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
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<u>X</u>	This statement of	qualifies under 37 C.F.f	R. §1.97, <u>subsection (b)</u> because:
	(1)	It is being filed within :	3 months of the application filing date;
	(2)		3 months of entry of a national stage;
			the mailing date of the first Office action on
		occurs last.	
		not qualify under subsubsection (c) because:	section (b), this statement qualifies under 37
	(1)	_	the mailing date of a FINAL Office Action and owance (whichever occurs first)
		AND (check a	nt least one of the following)
	(1)	It is accompanied by t	the \$240 fee set forth in 37 C.F.R. §1.17(p)
	(2)		y a STATEMENT as set forth in 37 C.F.R.
	_	not qualify under subse 7, <u>subsection (d)</u> becau	ection (b) or (c), this statement qualifies under use:
	(1)	It is accompanied by §1.97(e);	a STATEMENT as set forth in 37 C.F.R.
	(2)	It is accompanied by	y a PETITION TO ACCEPT INFORMATION MENT UNDER 37 C.F.R. §1.97(d);
	(3)		he \$130 fee set forth in 37 C.F.R. §1.17(i)(1);
	(4)	The Issue Fee has not	
<u>X</u>	of any additiona	al fees or credit any over	is hereby authorized to charge underpayment rpayment associated with this communication uplicate copy of this authorization is enclosed.
		F	Respectfully submitted,
		F	FLIESLER, DUBB, MEYER & LOVEJOY LLP
			12h/
Dat	te:January 6,		Sheldon R. Meyer Reg. No. 27,660



In re Application

James F. Zucherman, et al.

inventor(s): SC/Serial No.:

09/179,570

Filed: Title:

October 27, 1998

SPINE DISTRACTION IMPLANT

Art Unit: 3731

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on

January 4, 1999.

Sheldon R. Meyer, Reg. No. 27,660

(Attorney Signature)

Signature Date: January 4, 1999

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

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- A copy of each cited document as required by 37 C.F.R. §1.98. Copies are not <u>X</u> submitted of U.S. applications, 37 C.F.R. §1.98(a)(2)(iii), and copies are not submitted of documents already cited or submitted in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevancy is provided pursuant to 37 C.F.R. §1.98(a)(3). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. 57 F.R. 2021 (1/17/92). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(c).

X	This statement	qualifies under 37 C.F.R. §1.97, subsection (b) because:
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	whicheve	r occurs last.
_	Although it ma C.F.R. §1.97,	y not qualify under subsection (b), this statement qualifies under 37 subsection (c) because:
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		AND (check at least one of the following)
	(1)	It is accompanied by the \$240 fee set forth in 37 C.F.R. §1.17(p) OR
	(2)	It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e)
	Although it may 37 C.F.R. §1.9	y not qualify under subsection (b) or (c), this statement qualifies under (7, subsection (d) because:
	(1)	It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e); AND
	(2)	It is accompanied by a PETITION TO ACCEPT INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(d); AND
	(3)	It is accompanied by the \$130 fee set forth in 37 C.F.R. §1.17(i)(1); AND
	(4)	The Issue Fee has not yet been paid.
<u>x</u>	of any addition	ion. The Commissioner is hereby authorized to charge underpayment al fees or credit any overpayment associated with this communication ount No. 06-1325. A duplicate copy of this authorization is enclosed.
	•	Respectfully submitted,
		FLIESLER, DUBB, MEYER & LOVEJOY LLP
Date	:January 4,	1999 By:
		SDEGOD R Moyor

Reg. No. 27,660

In re Applicati Inventor(s): SC/Serial No. Filed: Title:	James F. Zucherman, et al.) PATENT APPLICATION)) Art Unit: 3731))	jc525 U. 09/47
	CERTIFICATE OF MAILING UNDER 37 of the state	ne United States Postal Service with sufficient	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56

(Attorney Signature)

Assistant Commissioner for Patents Washington, D.C. 20231

Sheldon B. Meyer, Reg. No. 27,660 Signature Date: March 3, 1999

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

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	whichever	occurs last.
	-	y not qualify under subsection (b), this statement qualifies under 37 subsection (c) because:
	(1)	It is being filed before the mailing date of a FINAL Office Action and before a Notice of Allowance (whichever occurs first)
		AND (check at least one of the following)
	(1)	It is accompanied by the \$240 fee set forth in 37 C.F.R. §1.17(p) OR
	(2)	It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e)
		y not qualify under subsection (b) or (c), this statement qualifies under 37, <u>subsection (d)</u> because:
	(1)	It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);
	(2)	AND It is accompanied by a PETITION TO ACCEPT INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(d);
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	: (4)	
_X	of any addition	tion: The Commissioner is hereby authorized to charge underpayment hal fees or credit any overpayment associated with this communication count No. 06-1325. A duplicate copy of this authorization is enclosed.
	·	Respectfully submitted,
		FLIESLER, DUBB, MEYER & LOVEJOY LLP
Di	ate: <u>March 3,</u>	1999 By:
-		Sheldon R. Meyer Reg. No. 27,660

125 U.S. PTO	2/28/99
	12

In re Application)	PATENT APPLICATION
Inventor(s):	James F. Zucherman	,	
	Ken Y. Hsu)	
	Charles J. Winslow)	
•	Henry A. Klyce)	
	,)	
SC/Serial No.:	09/179,570)	
00,00114111011)	
Filed:	October 27, 1998)	
i iiou.)	
Title: S	PINE DISTRACTION IMPLANT)	·
Title.)	
July 12, 1 Sheldon R	CERTIFICATE OF MAILING UNDER nereby certify that this correspondence is being deposited class mail in an envelope addressed to Assistant Commander. 999. Meyer, Reg. No. 27,660 Date: July 18, 1999	In the United	States Postal Service with sufficient

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Assistant Commissioner for Patents Washington, D.C. 20231

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105.004:120197 07/13/99-13:56 a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. 57 F.R. 2021 (1/17/92). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement. 37 C.F.R. §1.98(c).

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		not qualify under subsection (b), this statement qualifies under 37 ubsection (c) because:
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		y not qualify under subsection (b) or (c), this statement qualifies under 7, subsection (d) because:
	(1)	It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e); AND
	(2)	It is accompanied by a PETITION TO ACCEPT INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(d); AND
	(3)	It is accompanied by the \$130 fee set forth in 37 C.F.R. §1.17(i)(1); AND
	(4)	The Issue Fee has not yet been paid.

X Fee Authorization. The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

FLIESLER, DUBB, MEYER & LOVEJOY LLP

Date: <u>July 13/1999</u> By:

Sheldon R. Meyer Reg. No. 27,660